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In Propria Persona

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Case #2015-1-CV-287472
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

RICHARD B. BEAUCHESNE,

Plaintiff,

vs.

BRADFORD BAUGH, et al.,

Defendants.

Case No.: 2015-1-CV-287472

**DECLARATION OF PLAINTIFF, RICHARD
BEAUCHESNE, IN REPLY TO DEFENDANT
BRADFORD BAUGH'S OPPOSITION TO
PLAINTIFF'S MOTION FOR PROTECTIVE
ORDER**

DATE: June 6, 2019

TIME: 9:00 a.m.

DEPT: 2

Hon. Mark Pierce

Complaint Filed: October 29, 2015

Trial Date: None

I, RICHARD B. BEAUCHESNE, declare as follows:

1. I am the Plaintiff in this action. I am familiar with the matters set forth in this Declaration and, if called upon to testify thereto, I could and would competently do so.

2. On Thursday, April 25, 2019 - as the Plaintiff in this action - I took the deposition of Defendant, Bradford Baugh, for approximately three (3) hours in Pleasanton, CA, i.e., from approximately 9:00 a.m. until approximately 12:00 noon. At that point, Bruce MacLeod of the San Jose, CA, law firm of Willoughby, Stuart, Bening & Cook, attorneys for Defendant Baugh,

1 terminated the deposition.

2 **SOME OF DEFENDANT BRADFORD BAUGH'S FALSE**
3 **TESTIMONY UNDER OATH ON APRIL 25, 2019**

4 3. Attached hereto as Exhibits A-1 through A-7 are the following: the face page of the
5 deposition transcript, the Reporter's certificate and, most important, pages 10 through 14 of the
6 deposition transcript. In these five (5) pages of deposition testimony, Defendant Bradford Baugh
7 testifies under oath to the following: (1) That in May, 1967 - at age 17 and with parental consent - he
8 joined the United States Army; (2) that he then did his basic training and thereafter went to "jump
9 school" at Fort Benning, Georgia, for approximately five (5) weeks; (3) that he then served in
10 Vietnam as a paratrooper with the 101st Airborne for 10 to 11 months and was thereafter released
11 from the U.S. Army in early October, 1968; and (4) Defendant Baugh further testified that, while in
12 Vietnam, he "was responsible for ... the death of enough people to assure his place in hell."

13 **ALL OF BAUGH'S TESTIMONY DESCRIBED IN**
14 **PARAGRAPH 3 HEREOF IS NOTHING BUT A PACK OF LIES**
15 **UNDER OATH**

16 4. All of the detailed and specific information to which Defendant, Bradford Baugh,
17 testified under oath in pages 10 through 14 of his deposition transcript is patently false - nothing but
18 a pack of lies by the so-called "Dean of the Santa Clara County Family Law Bar." The truth - as
19 opposed to the false testimony under oath given by Defendant, Bradford Baugh, on Thursday, April
20 25, 2019 - is this:

- 21 a. Bradford Baugh did not enlist in the U.S. Army at age 17 - or at any other age
22 - whether with or without parental consent.
- 23 b. Bradford Baugh graduated from Del Valle High School in Walnut Creek,
24 CA, at age 18 in 1968 and not in 1967 as Baugh infers in his deposition
25 testimony. Attached to this Declaration as Exhibit B is a copy of a photo of a
26 Del Valle High School athletic team [track perhaps?]. Bradford Baugh
27 appears in the first row at the very far right. Each of the three online Del
28 Valle High School yearbooks for school years ending in 1966, 1967 and 1968

1 confirm that Bradford Baugh was in the class of 1968 and graduated from
2 Del Valle High School in 1968. Exceptional as Defendant, Bradford Baugh
3 believes himself to be, even he could not have been in both Vietnam serving
4 as a paratrooper in the 101st Airborne and also attending his senior year in
5 high school in Walnut Creek, CA, during the applicable 1967-1968 period.

6 c. Bradford Baugh enrolled as an undergraduate freshman at Stanford
7 University - probably in August or September, 1968.

8 d. Bradford Baugh never served in the United States Army as a paratrooper or
9 otherwise and he never served in Vietnam. His claim to have done so is a
10 false, flagrant and repulsive instance of "Stolen Valor." It is only one
11 example of the stream of constant lies that I had to put up with over the
12 period of more than six and one-half years that Bradford Baugh represented
13 me and the Guardian *ad Litem*, Jeanne Schmidt, in my Santa Clara County
14 Dissolution of Marriage proceeding.

15 5. Attached as Exhibit C to this Declaration is a copy of a letter dated May 22, 2019,
16 addressed to me from the National Personnel Records Center ("NPRC"), which is part of our
17 National Archives, located in St. Louis, MO. The subject of this letter that was sent by the NPRC in
18 response to my inquiry is Bradford O. Baugh's claim to have served in the U.S. Army and in
19 Vietnam. In its most relevant part, the letter states as follows:

20 **"We have been unsuccessful in identifying a military service**
21 **record for the above-named individual."**

22 It bears repetition and emphasis here: Defendant Bradford Baugh - contrary to his sworn deposition
23 testimony - never served in the United States Army and he never served in Vietnam.

24 6. Defendant Baugh used his "Stolen Valor" to burnish his image as a tough, relentless,
25 "take no prisoners" family law lawyer. He did just that in a meeting with me at his office in relatively
26 early 2010. [At that time, his claims made a huge impression on me.] Remarkably and sadly, Baugh
27 also made use of "Stolen Valor" in the courtroom. Attached hereto as Exhibits D-1 through D-3 are
28 two pages and the face page of a transcript of a hearing before Judge Aaron Persky on April 17, 2008.

1 In that hearing, Bradford Baugh said, among other things, the following at pp. 25-26:

2 MR. BAUGH: You know --no, I'm not saying it's necessarily the time,
3 it's the content, what are the communications like. For example, no
4 offense, if I say, I'm going to shoot you, you're going to remember that
5 maybe for the rest of your life, okay. But I say, you know, the case of
6 In re Marriage of Epstein to a nonfamily law judge, you ask him two
7 years later what is the name of the case you cited, I don't know. It's not
8 just the passage of time, I think that's -- that would be too arbitrary and
9 that's why the cases talk about weight. It's what is the content. If
10 someone -- **I still remember people trying to shoot me in southeast
11 Asia, I have a vivid memory of that.** I don't have a vivid memory of
12 what happened last year, but they are different things.

13 * * * *

14 THE COURT: All right, thank you. Any response?

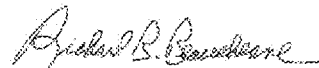
15 **MR. HAMMON: Judge, I'm very sympathetic to the death of**
16 **someone's family member, I'm sympathetic to Mr. Baugh being in**
17 **Vietnam and been shot at,** but the issues we're talking about today are
18 very important and very significant issues.

19 7. Paragraph 6 is just one example of Bradford Baugh lying his way through a hearing
20 before a Judge of the Santa Clara County Superior Court just as he did in **several** hearings in my
21 Dissolution of Marriage proceeding in Santa Clara County.

22 **THOMAS A. KENEFICK**

23 8. In this action, there is more of this kind of thing to come with respect to one, Thomas
24 A. Kenefick, III, a Massachusetts attorney who was extensively involved in my Santa Clara County
25 Dissolution of Marriage proceeding. There will soon be a Motion and/or new action involving
26 Thomas Kenefick.

27 I declare under penalty of perjury under the laws of the State of California that the foregoing
28 is true and correct. Executed at San Jose, California, on this 30th day of May, 2019.

29 

30 RICHARD B. BEAUCHESNE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

RICHARD B. BEAUCHESNE,

Plaintiff,

vs.

No. 2015-1-CV-287472

BRADFORD BAUGH, et al.,

Defendants.

CERTIFIED
TRANSCRIPT

DEPOSITION OF BRADFORD BAUGH

April 25, 2019

Taken before Pamela A. Stipic
Certified Shorthand Reporter
for the State of California
C.S.R. License No. 5046

EXHIBIT A-1

1 A. 1976.

2 Q. And did you begin practicing right away

3 after graduating from Stanford Law School?

4 A. Yes.

09:04a 5 Q. Did you serve in the military?

6 A. No.

7 Q. At one point in a meeting in your office you

8 told me that you served as a paratrooper in Vietnam.

9 A. I don't think so.

09:04a 10 Q. Yes, you did, sir.

11 You have forgotten that?

12 A. No.

13 Q. You haven't forgotten it?

14 A. No.

09:04a 15 Q. You remember saying that?

16 A. No.

17 Q. Do you remember saying you jumped out of

18 helicopters?

19 A. No.

09:04a 20 Q. You were a paratrooper?

21 A. Yes.

22 Q. Where?

23 A. In Vietnam. 101st.

24 Q. So you did serve in Vietnam?

09:04a 25 A. Oh, yeah. Yeah, but that was before

1 college.

2 Q. Before college.

3 I thought you said you were 18 when you --

4 A. Yeah, but you can join when you're 17 with

09:05a 5 parental consent.

6 Q. Okay. So joined when you were 17?

7 A. Yes.

8 Q. And how long did you serve in Vietnam?

9 A. Ten months, eleven months.

09:05a 10 Q. Why did you say you had forgotten that you
11 told me this?

12 A. Well, because I don't talk about it with
13 clients generally so I have no -- so the answer to
14 your question is because I have no recollection of

09:05a 15 talking about it with you.

16 Q. When did you -- when did you first join the
17 military?

18 A. Would have been '67.

19 Q. When you were 17 years old?

09:05a 20 A. Yes.

21 Q. And you did basic training?

22 A. Yes.

23 Q. And then you went to jump school?

24 A. Yes.

09:05a 25 Q. Where?

1 A. It would have been Fort Benning, Georgia.
2 Q. How long did that last?
3 A. Can't remember; five weeks.
4 Q. Five weeks for jump school?
09:06a 5 A. Roughly. I don't remember.
6 Q. And then you went right to Vietnam?
7 A. I think I had a leave for a few weeks but I
8 don't remember.
9 Q. How long were you in Vietnam?
09:06a 10 A. Same answer.
11 Q. Repeat it for me.
12 A. Ten to eleven months.
13 Q. That chronology's not working out here.
14 Help me.
09:06a 15 A. Well, are you going --
16 Q. Give me your -- hold on.
17 A. May --
18 Q. Hold on I said.
19 A. Okay.
09:06a 20 Q. It's my deposition. Okay?
21 A. All right.
22 Q. Give me your best recollection of when you
23 joined the military, when you finished your basic
24 training, when you finished jump school, and how much
09:06a 25 time you spent in Vietnam. It's not a difficult

1 question.

2 A. May; eight weeks basic; jump school;
3 Vietnam; released in early October of '68.

4 Q. So you started your freshman year a little
09:07a 5 late?

6 A. Yes.

7 Q. And while you were in Vietnam you had
8 something like 30 kills?

9 A. No.

09:07a 10 Q. No?

11 So you never said that?

12 A. Yes.

13 Q. Yes, you said it or, yes, you don't recall
14 saying it?

09:07a 15 A. Your question was, "So you never said that?"
16 The answer is, "Yes."

17 Q. Okay. Did you have any kills?

18 MR. MacLEOD: I'm going to object as to
19 relevancy.

09:07a 20 You can answer the question but we're not
21 going to spend a lot of time on this.

22 MR. BEAUCHESNE: I'll decide whether we do
23 or not, Mr. MacLeod. I'm testing the witness'
24 credibility. I'm entitled to spend a lot of time on
09:08a 25 that.

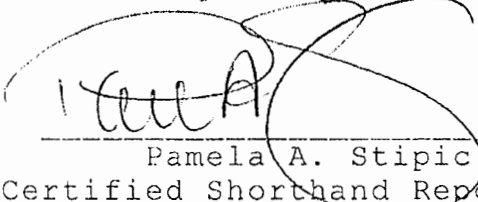
1 MR. MacLEOD: Not if it's entirely
2 irrelevant but...
3 THE WITNESS: I was responsible for
4 enough -- the death of enough people to assure my
09:08a 5 place in hell.
6 BY MR. BEAUCHESNE:
7 Q. Did you play varsity baseball at Del Valle?
8 A. Yes.
9 Q. You did.
09:08a 10 You were good?
11 A. Well, depends on who you ask. May I ask --
12 Q. I'm asking you.
13 A. -- what sports I played in high school have
14 to do with anything?
09:08a 15 MR. MacLEOD: It's not relevant and...
16 BY MR. BEAUCHESNE:
17 Q. Did you play varsity baseball at Del Valle?
18 A. Yes.
19 Q. Did you play varsity baseball at Stanford?
09:08a 20 A. JV except for -- JV.
21 Q. JV.
22 So you were never on the varsity?
23 A. No.
24 Q. And you never hit a home run in the College
09:09a 25 World Series?

REPORTER CERTIFICATE

I, Pamela A. Stipic, hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled case; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a Certified Shorthand Reporter and a disinterested person, and thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said caption.

In witness whereof, I have
hereunto set my hand this
29th day of April, 2019.



Pamela A. Stipic
Certified Shorthand Reporter
State of California
License No. 5046



*Bottom — l. to r.: D. Caziarc, W. Sale, B. Shirey, T. Torres, B. Armstrong, B. Baugh
Top: T. Marler, G. Anderson, B. Stearns, D. Gerber, S. Caziarc, B. Biesbroeck.*

EXHIBIT B

NATIONAL PERSONNEL RECORDS CENTER

1 ARCHIVES DRIVE ST LOUIS, MO 63138-1002
www.archives.gov



May 22, 2019

RICHARD BEAUCHESNE

RE: Veteran's Name: BRADFORD, Oliver Baugh
SSN/SN:
Request Number: 2-22818029833

Dear Recipient:

Thank you for contacting the National Personnel Records Center. We have been unsuccessful in identifying a military service record for the above-named individual. This does not mean the subject did not have military service, only that we are unable to identify a record based on the limited information you have provided. To locate a record, we must have the veteran's complete name, service number (if applicable), social security number, branch of service, and approximate dates of service.

If you have questions or comments regarding this response, you may contact us at 314-801-0800 or by mail at the address shown in the letterhead above. If you contact us, please reference the Request Number listed above. If you are a veteran, or a deceased veteran's next of kin, please consider submitting your future requests online by visiting us at <http://vetrecs.archives.gov>.

Sincerely,



MATT JORDAN
Archives Technician (AFN-MC1D)



**We Value Our
Veterans' Privacy**
*Let us know if we have
failed to protect it.*

Please complete our on-line survey. We really want to know how we did answering your request. Go to www.archives.gov/veterans/survey and enter your request number 2-22818029833. The survey should only take a few minutes and is used to help improve service to our customers.

EXHIBIT C

COPY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PARK CENTER PLAZA FACILITY
BEFORE THE HONORABLE AARON M. PERSKY, JUDGE

---oOo---

LORETTA J. WAHL,
Petitioner,
and
DREW PERKINS,
Respondent.

Case 1-99-FL-085666

---oOo---

MOTION TO DISQUALIFY

April 17, 2008

---oOo---

APPEARANCES:

For the Petitioner:

WALTER PIERCE HAMMON,
ROBIN YEAMANS,
Attorneys at Law

For the Respondent:

BRADFORD O. BAUGH,
Attorney at Law

Dawn Wood, C.S.R.
Official Court Reporter
Certificate No. 3115

1 -- I want to be careful and when something why -- why
2 keep -- isn't it easier to try and fix it? I mean, the
3 other thing would have been to say -- for example, let's go
4 to the fax that Ms. Wahl decided to send to Drew Perkins.
5 Oh, but there's -- you know, how do we fix this? What's the
6 proper way to handle what we presume is an inadvertent
7 disclosure of a communication? Well, you know, you can't
8 undo the fax, but you can make sure I don't see it and you
9 make sure it gets sealed up and -- you know, and somebody
10 says -- gives you a lot of recall material after the fact,
11 you have no records, you have no files on your desk,
12 anything. Now, I'm looking at this file and you said, do
13 you remember and I start -- that sort of thing starts coming
14 into the office, I want her out, you know. I don't want her
15 to have anything jogged with that, so I'm going to cut,
16 block her off. I don't want any -- any chance that she can
17 recover memory like most people do when you read a document.

18 THE COURT: And what -- you know, if you're
19 arguing for -- for example, a passage-of-time rule, what's
20 the appropriate amount of time? You're saying five years is
21 enough?

22 MR. BAUGH: You know -- no, I'm not saying it's
23 necessarily the time, it's the content, what are the
24 communications like. For example, no offense, if I say, I'm
25 going to shoot you, you're going to remember that maybe for
26 the rest of your life, okay. But I say, you know, the case
27 of In re Marriage of Epstein to a nonfamily law judge, you
28 ask him two years later what is the name of the case you

1 cited, I don't know. It's not just the passage of time, I
2 think that's -- that would be too arbitrary and that's why
3 the cases talk about weight. It's what is the content. If
4 someone -- I still remember people trying to shoot me in
5 southeast Asia, I have a vivid memory of that. I don't have
6 a vivid memory of what happened last year, but they are
7 different things.

8 THE COURT: Right, but does that require that
9 the court make an individualized analysis of a paralegal's
10 memory? I mean, if Ms. Gill has a photographic memory, then
11 it would seem that the five-year rule, five years is not
12 enough and maybe nothing is enough.

13 MR. BAUGH: Oh, yes, if someone came in and says
14 she has a photographic memory, but I think you bring the
15 human experience and it does -- does -- I mean, let's talk
16 about the specific case. While my father is dying am I
17 thinking heavily about any case? I mean, what is the human
18 experience? I don't think it's, gee, I wonder what I could
19 do on a case that I'm -- that I can't even remember. I
20 mean, their minds were on other things, and is that likely
21 to be true or not.

22 THE COURT: All right, thank you. Any response?

23 MR. HAMMON: Judge, I'm very sympathetic to the
24 death of someone's family member, I'm sympathetic to Mr.
25 Baugh being in Vietnam and been shot at, but the issues
26 we're talking about today are very important and very
27 significant issues. The issue with regards to
28 confidentiality of information that attorneys get from a